



Executive Officer's Report to the Board

November 21, 2003

Board Updates

Board Signs Contract for New Computer System

A contract with EmergingSoft Corporation to develop a new victim compensation case management system was signed on November 4, 2003, and approved on November 7. Federal grant funds will cover the cost of \$850,805. The Board has an option to include document imaging at an additional cost of \$316,300. Emerging Soft has designed compensation case management systems in several other states, including Minnesota, New Jersey, Mississippi, and Iowa. The new system has a user-friendly interface and will be much easier to operate than the current, outdated system. It is likely to create significant efficiencies in claims management. Board staff will assemble the subproject teams and begin to discuss a schedule for implementation with the vendor in the near future.

Board Employees Contribute Over \$30,000 to Statewide Charitable Campaign

This year's State Employees Charitable Campaign was a great success, raising \$30,635 in contributions -- a 39.19 percent increase over last year's balance of \$22,008. Contributions far exceeded the goal of collecting 20 percent more than last year. The Charitable Campaign kicked off October 8, 2003 with guest speakers from The Birthing Project and the Animal Protection Institute. The Campaign ended October 23 with a guest speaker from the Sacramento Law Enforcement Chaplaincy. A breakfast was held on October 30 to thank key campaigners. Carol Fieldhouse, Deputy Executive Officer, Administration, spoke on behalf of both the American Cancer Society and the Susan Komen Foundation. Victim Compensation Specialist (VCS) Sean O'Connell served as Department Chair for the campaign and VCS Anita Younger served as Vice Chair.

The Board administers the State Employees Charitable Campaign for the entire state. Almost every state agency participates in the campaign, which gives state employees a chance to designate a portion of their paycheck to be given to a charitable organization, or group of organizations. The Board's role is to certify which charitable organizations will be eligible to receive contributions.

Victim Compensation

Assistance to 9/11 Families and Survivors is Extended

California family members of September 11th victims and survivors of the terrorist attacks will meet again in Los Angeles December 6. This meeting

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concludes the regional support group sessions held monthly since July 2002. Grant funding for these meetings, obtained through the U.S. Office for Victims of Crime, was to expire on December 31, 2003, but has been extended through June 2004. This extension will allow for two additional statewide meetings in the first six months of 2004 and continuation of mental health benefits for eligible victims. Throughout the course of the grant that funded the support groups, trauma therapists from the University of California San Francisco Trauma Recovery Center have provided guidance, information, and strategies for healing. These tools will help group members to continue the healing process even after the grant has expired.

Board Reaches Out to Southern California Fire Victims

Board staff worked with numerous agencies to aid victims of the recent Southern California fires. Staff from Sacramento and the Joint Powers Agencies (JPAs)¹ from counties in Southern California coordinated to help victims of those fires that are deemed to be arson.

Beginning October 21 a series of devastating fires swept through Southern California, killing 20 people, scorching 700,000 acres and destroying 4,000 homes. Many agencies, including the Federal Emergency Management Agency (FEMA), the Red Cross, and the California Office of Emergency Services (OES), along with local law enforcement and fire agencies, coordinated to provide an immediate response to this catastrophe.

The Board has a role in the recovery stage, once the emergency response is well under way. In other words, once safety and security have been ensured, the focus turns to helping victims rebuild their lives. In any of the fires that are determined to be the result of arson, the Board can assist eligible victims who were physically injured, threatened with injury, or died as a direct result a crime. The program covers medical expenses, mental health counseling, funeral and burial costs, and loss of income if a victim is physically injured as a direct result of the fire. Property loss and pain and suffering are not covered.

To ensure that accurate information regarding the VCP was available to victims and other agencies assisting victims, VCP Staff:

- Prepared and distributed "Compensation Guidelines for Southern California Fire Victims."
- Worked with County JPAs and Victim Witness Coordinators to send staff to some of the OES Local Assistance Centers,
- Maintained contact with the OES and FEMA to clarify our role in assisting victims and properly relate the nature of our services to other agencies, and
- Arranged a meeting with staff members from the Los Angeles Victim Witness staff, the Office of Criminal Justice Planning, and the other agencies responding to the wildfires to discuss coordination of assistance to the victims.

As of November 19, the VCP has received just 2 applications and only one fire (the Old Fire) has been positively linked arson. It may take some time before the causes of the other fires are determined and victims begin to seek VCP services. By law, the VCP is the "payor of last resort." This means that the VCP will not pay victims' expenses that are payable from any other source (e.g., disaster assistance programs such as the Red Cross, FEMA, health insurance, homeowners insurance, etc.) until all other sources are exhausted, so the VCP will continue the

¹ Joint Powers Agencies are victim assistance centers that contract with the Board to process claims.

important work of coordinating with the other agencies to ensure that victims of fires ruled to be arson have access to the widest spectrum of assistance possible.

Board Participates in Strategic Planning Training in Washington

The Board was invited to participate in the “National Association of VOCA Assistance Administrators (NAVAA) Training for Strategic Planning” on November 5-8, 2003. Through a competitive process, NAVAA chose just six states, California, Hawaii, Iowa, Washington, Delaware, and New Jersey, to create “state strategic planning teams” and participate in a three-day training session in Washington, DC. All of the costs of the project were funded through a grant from the Office for Victims of Crime (OVC) in the U.S. Department of Justice Office of Justice Programs.

Over the past year the NAVAA has been working to develop a “Victim Services Strategic Planning Toolkit” to help states to develop short range and long ranges plans for the delivery and funding of victim services.

Richard Anderson, Chief Deputy Executive Officer, represented the Board on the California team. Representatives from the Office of Criminal Justice Planning, the California Coalition Against Sexual Assault, the California Alliance Against Domestic Violence, the Child Abuse Coalition and the Victim/Witness Coordinating Council joined him. Additional federal grant funds may become available to help the states move forward with their planning efforts. The Board has the resources and experience to serve as a lead in this effort.

Historically, there has been a void in long-range planning in California in the victim services arena. The consensus of the California team is that engaging in a statewide strategic planning process would help resolve some of the current weaknesses in the victim service delivery system. There is a need to evaluate what works and what doesn't work, identify gaps in service delivery, avoid duplication of services, clarify roles, and promote collaboration. This process could be critical at a time of shrinking state and federal dollars and a call for increased services.

Board Staff Meets with Southern California Service Providers

Interim Executive Officer Catherine Close and Deputy Executive Officer Pete Williams made presentations at meetings in Southern California to promote teamwork and cooperation among partners in the victim services field. The groups visited included the Southern Region of the Victim Witness Coordinating Council and the Family Service Agency of California (an association of Executive Directors of agencies who provide mental health services to children and families, including victims), and the Orange County Community Services Agency (which includes the JPA staff). Topics presented and discussed included: the Board's improving financial condition and prospects for the future; options being considered for reorganizing the delivery of victim services throughout California; and the Board's efforts to refine its policies in preparation for the implementation of a new claims management system in 2004.

Victim Compensation Program (VCP) Workload Update

The numbers of unprocessed applications and bills has begun to decline, although the VCP continues to grapple with a large inventory.

The VCP (including Board teams and JPAs) currently has a total inventory of just over 12,000 applications and nearly 34,000 bills that await processing. In the last three months, VCP and JP staff have reduced the statewide inventory of applications by approximately 500 applications and the statewide inventory of bills by 4,700 bills. During FY 02-03, the VCP processed 59,800 applications and 224,800 bills. At current rates of production, our current inventory represents two and one-half month's worth of applications and two months of bills.

With no immediate prospect of more staff, VCP management continues monitor the inventory and seek ways to encourage greater productivity and to improve the claims process. Efforts have included holding regular meetings with VCP team supervisors to discuss inventory levels and staff productivity, shifting resources between teams to address processing bottlenecks, and providing weekly inventory data to VCP team supervisors to enable them to better manage their workload.

Revenue Recovery

Board Collaborates with California Judicial Council to Increase Restitution Fund

In the summer of 2003, the Board began a focused effort to educate judges on the legal and practical aspects of protecting victims' constitutional rights to restitution and the need to increase collection of court-ordered debt. Led by David Shaw, Deputy Executive Officer of the Revenue Recovery and Appeals Division (RRAD), this effort has created several new opportunities for the Board to communicate with judges, court executives, and staff. This initiative began with a July 23, 2003, meeting with the Executive Officer of the Administrative Office of the Courts (AOC) and senior staff members of the California Judicial Council, State and Consumer Services Agency Secretary Aileen Adams, and Board staff. Secretary Adams followed up this initial meeting with a letter to Chief Justice Ronald George asking for his assistance to help increase deposits to the State Restitution Fund.

During August and September, Mr. Shaw had extensive discussions with staff members of the AOC and the Center for Judicial Education and Research (CJER) about creating a restitution curriculum for new judges and in-service training for existing judges. On October 22, Mr. Shaw conducted a restitution seminar at the California Presiding Judges Conference in San Mateo and also made a presentation on the status of the State Restitution Fund at the Judicial Council's Criminal Law Advisory Meeting on November 3 in San Francisco. On January 8, 2004, Mr. Shaw will be presenting a restitution law seminar at the Los Angeles County Judicial Conference and has also been invited to make a similar presentation at the LA Criminal Courts Judicial conference later the same month.

Chief Justice George recently appointed Mr. Shaw as a member of the Collaborative Court-County Working Group on Enhanced Collections (Working Group), following the passage of SB 940. This bill requires that the Judicial Council adopt guidelines for a comprehensive program for increasing the collection of fees, fines, forfeitures, penalties, and assessments imposed by the courts. Mr. Shaw represented the Board at the first meeting of the Working Group at the AOC in San Francisco on November 14.

During the November meeting, the group reviewed statewide collection surveys completed by the courts and county collection entities; local strategies for collection, including contracting with private entities for collection; and enhanced educational opportunities with the courts. The Franchise Tax Board (FTB) made a presentation on court-ordered debt collection and announced that their budget change proposal for 17 new collections positions has been approved. This development is significant because the interagency agreement between FTB and the Board to collect on court-ordered debt owed by former parolees/probationers has been on hold pending approval of the new positions, and can now move forward.

Six subcommittees of the Working Group were convened, including: Court/County Collaborative Plans; Training and Education Plans; Guidelines and Standards; Operations; Legislation; and Reporting. Mr. Shaw volunteered to participate in the following subcommittees: Training and Education, and Guidelines and Standards.

Criminal Restitution Compact Representative Meeting for Fall 2003

Revenue Recovery and Appeals Division (RRAD) staff held a Criminal Restitution Compact (CRC) Representative Meeting on November 7, 2003 in Sacramento. Attendees included staff from the Department of Corrections and Youth Authority along with county CRC restitution representatives. Meetings focus on innovative approaches to increasing restitution order impositions and are held three times a year.

Highlights of the meeting included:

- Catherine Close, Interim Executive Officer, welcomed the group and gave an update on Restitution Fund condition.
- David Shaw, Deputy Executive Officer, RRAD, discussed the Board's efforts with the Judicial Council and the California Center for Judicial Education and Research (CJER) to increase restitution order impositions and evaluate statewide collection practices.
- Carol Fieldhouse, Deputy Executive Officer, Administration, provided an overview of the new Claims Management System (CMAS), which will replace the current VOX system.
- CRC representatives from San Diego and Santa Clara counties provided mini workshops on conducting restitution hearings, modifying restitution orders, and obtaining a juvenile court order allowing the Board to disclose a minor's records to Superior Court Judges. Staff provided refresher training on the Board's certification request process and accessing lien information through VOX.

The CRCs were implemented in Fiscal Year 1996/1997, placing restitution liaison positions in six district attorney's offices. These restitution specialists help improve the assessment of restitution fines and orders. Today the Board funds 39 restitution specialist positions through 24 CRCs. These positions are located in 22 district attorney offices, one city attorney office, and one county probation department.

Through the CRCs, the restitution specialists monitor and track offenders linked to victims with eligible VCP claims through the criminal justice system. Restitution specialists ensure that deputy district attorneys, city attorneys, and probation officers are informed of total benefits paid by the VCP at the time an offender is sentenced. Courts need this information to assess appropriate restitution fines and orders.

Restitution Trainings for Probation Officers

Revenue recovery staff provided restitution training to juvenile and adult probation officers October 6-8 in Los Angeles. On October 16, staff trained juvenile probation officers in Monterey. Joint restitution trainings with staff from California Department of Corrections were held on October 23 in Glenn County, and October 28-29 in Lake Tahoe.

Other News of Interest

Study of California Victim Services Released

On November 14, 2003 Aileen Adams, Secretary, State and Consumer Services Agency, released the report, *Strengthening Victim Services in California: A Proposal for Consolidation, Coordination and Victim-Centered Leadership*. The report recommends consolidation of victim services currently spread among several departments, implementation of a statewide needs assessment for victim services, and development of a statewide strategic plan. The report proposes consolidating the Victim Compensation Program of the VCGCB, the Victim Services

Division of OCJP, and the DHS Battered Women's Shelter Program, and suggests creating a board to oversee the new entity. It also suggests moving the Government Claims Programs to the Office of Administrative Hearings and creating a new, three-member Government Claims Board. The study also recommended that legislative hearings be held to discuss options presented in the report.

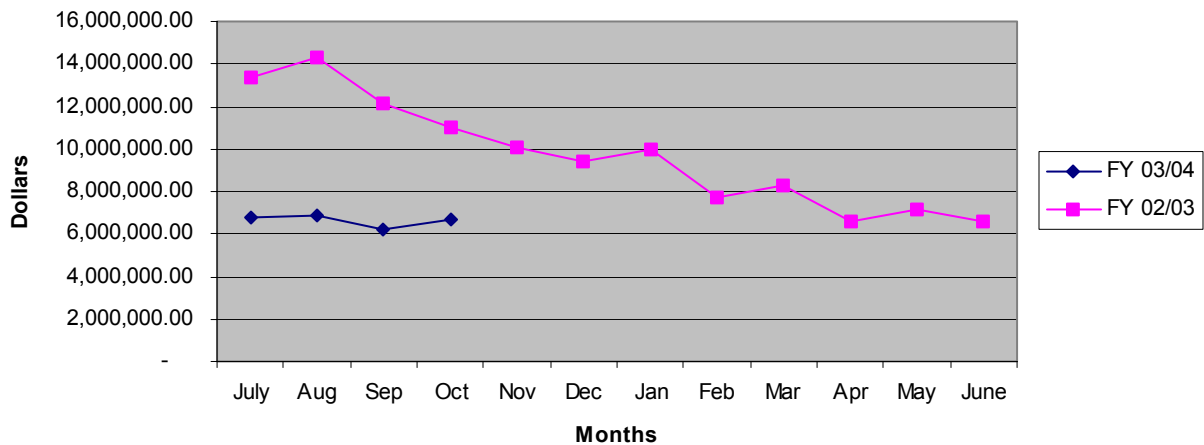
The SCSA study describes several weaknesses in the victim services delivery system, including:

- Lack of coordination among government agencies;
- Inadequate planning for victim services;
- Poor communication among state advisory committees;
- Failure to consult victims and service providers on significant policy issues;
- Victim's programs that are disadvantaged by inconsistent grant management, inadequate technical assistance to grantees, and a failure to conduct thorough program evaluations;
- Overhead costs that reduce the dollars available to victims; and
- A top-heavy administrative structure in departments that deal with these issues.

Victim Compensation Program Activity

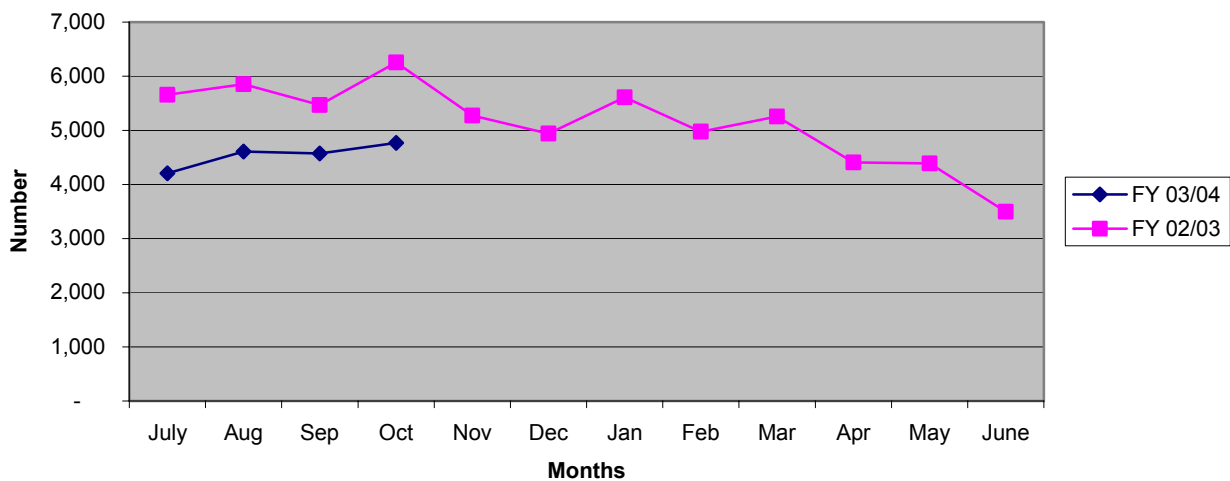
VCP PAYMENTS			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	\$6,648,718	\$26,477,177	-48%
FY 02/03		\$50,842,556	

Payment Awards



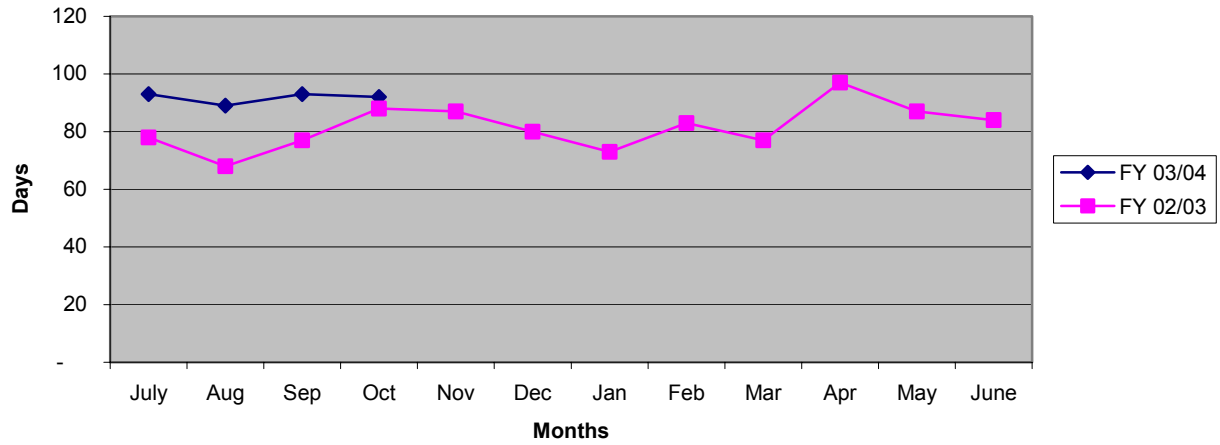
VCP NUMBER OF APPLICATIONS RECEIVED			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	4,769	18,161	-22%
FY 02/03	6,253	23,227	-

Number of VCP Applications Received



VCP APPLICATION PROCESSING TIME IN DAYS			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	92	92	18%
FY 02/03	88	78	-

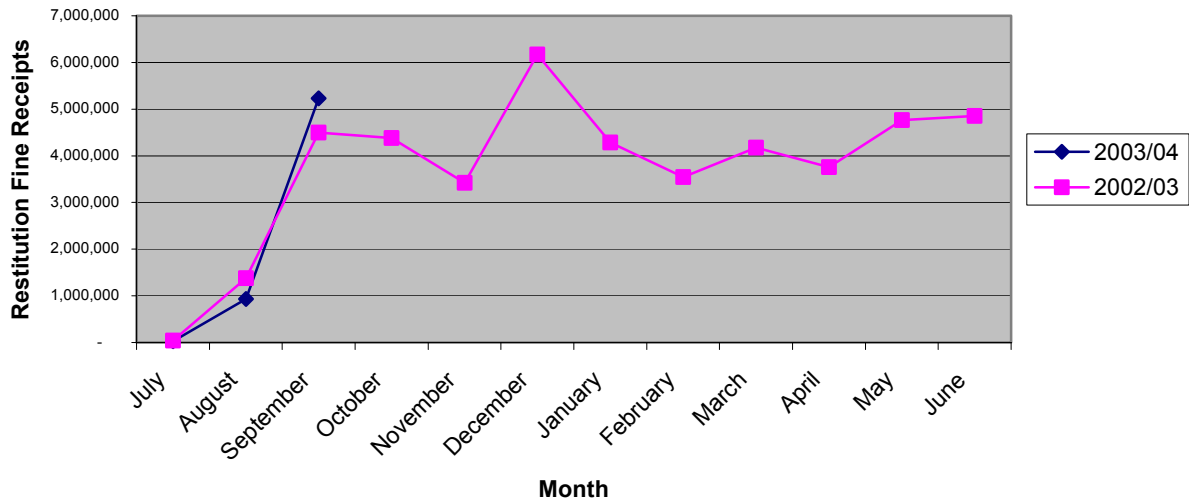
VCP Application Processing Time



Revenue and Recovery

RESTITUTION FINES			
Fiscal Year Comparison	Month of September	Fiscal Year to Date	% Change from Prior FY
FY 03/04	5,228,301	6,192,517	5%
FY 02/03		5,920,969	

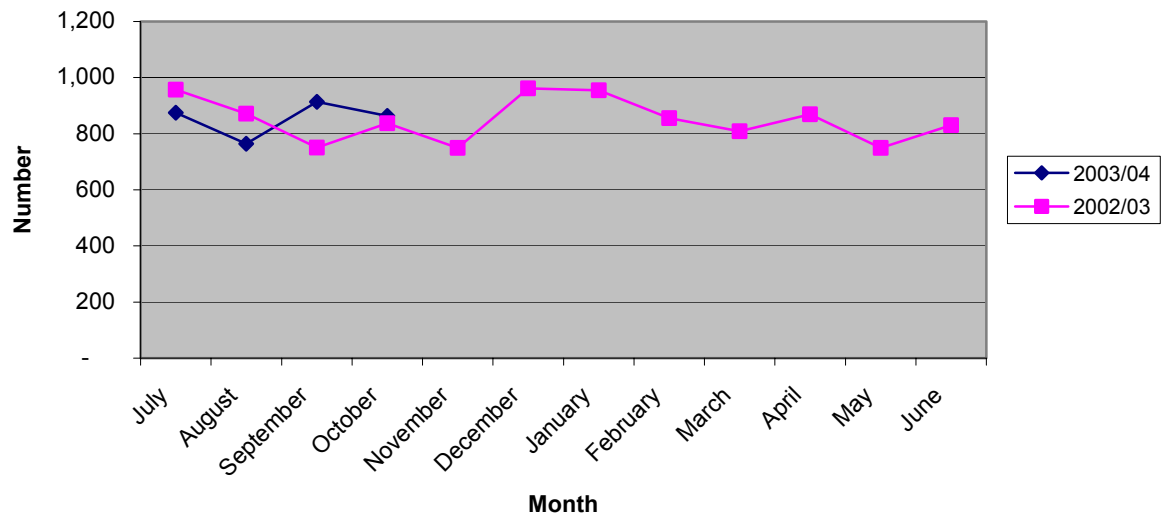
Restitution Fine Receipts By Month



Government Claims

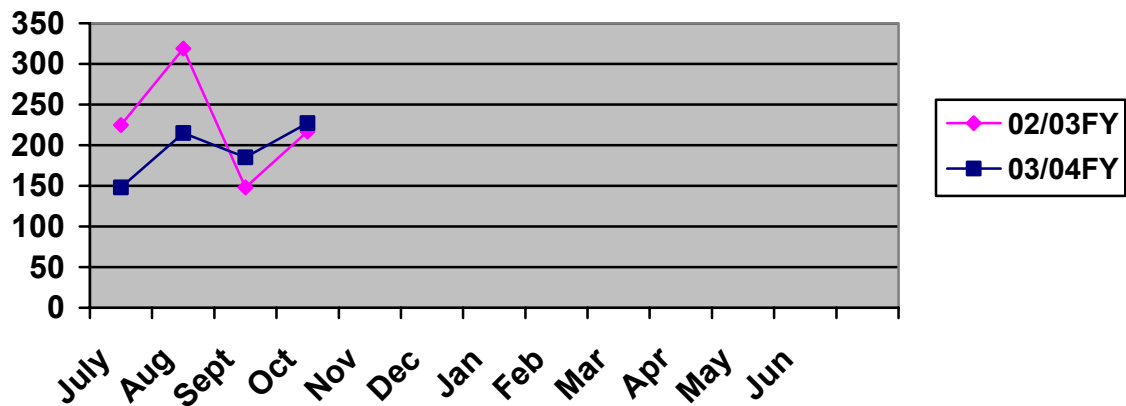
GOVERNMENT CLAIMS RECEIVED			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	864	3,417	0%
FY 02/03	837	3,416	-

Government Claims Received



CONTRACT CLAIMS ² – AVERAGE PROCESSING TIME			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	227	198	+3%
FY 02/03	217	192	

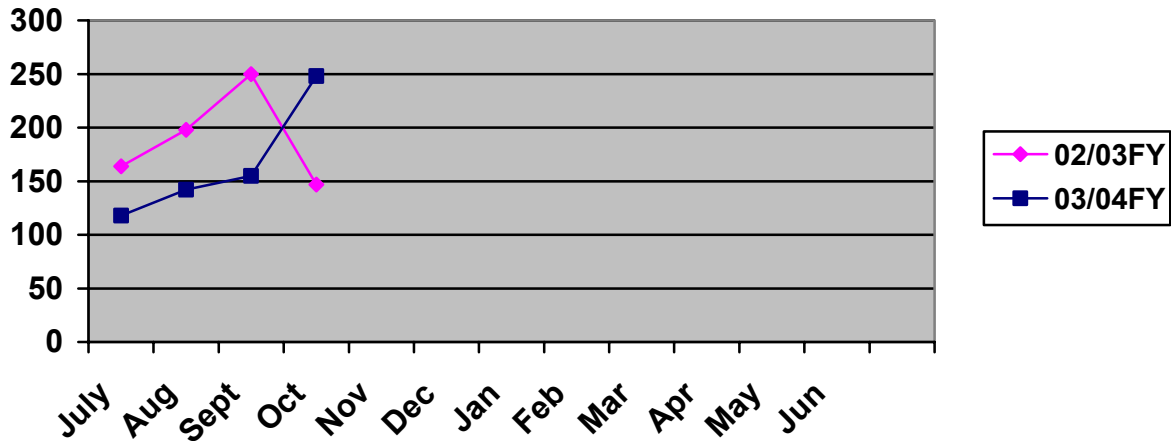
Contract Claims- Avg Proc Time



² **Contract claims** -These are typically claims where a vendor has provided services to the State, but a purchase order or contract was not officially in place at the time the services were performed and, therefore, the affected agency does not have the authority to pay the invoice without the Board's approval.

EQUITY CLAIMS ³ – AVERAGE PROCESSING TIME			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	248	174	-5%
FY 02/03		183	

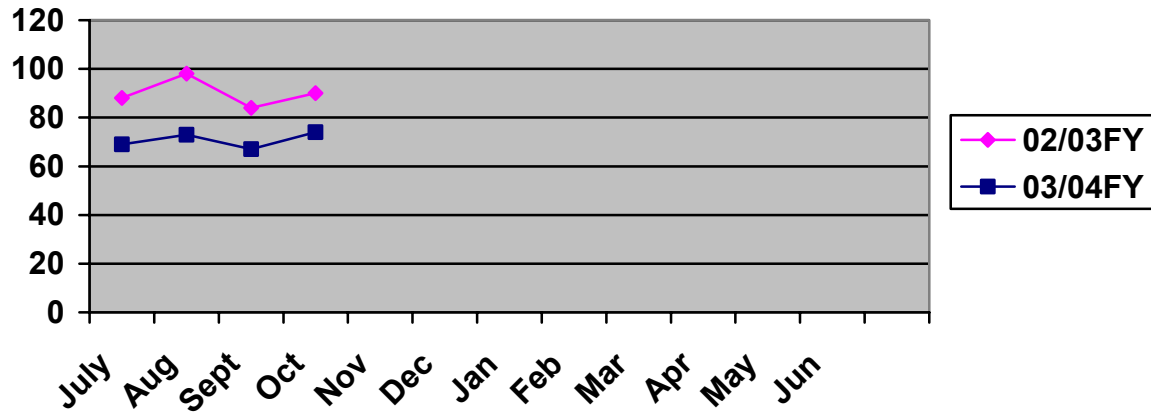
Equity Claims - Avg Proc Time



³ **Equity Claims** - These are claims where there is no legal liability on the part of the State to pay, but for which the claimant has asked the Board to exercise its equity power to provide payment in fairness for the action or inaction of a State agency. Also included to a large degree are outdated warrants (State-issued checks that went un-cashed for more than 3 years).

TORT CLAIMS ⁴ – AVERAGE PROCESSING TIME			
Fiscal Year Comparison	Month of October	Fiscal Year to Date	% Change from Prior FY
FY 03/04	74	71	-21%
FY 02/03	90	90	

Tort Claims - Avg Proc Time



⁴ **Tort Claims** - These are claims for damages filed against specific State agencies. These claims are generally rejected, but are a required administrative action to be taken by a claimant prior to bringing civil action against the State in a court of law. The filing of the Tort claim gives the State advance notice of potential future litigation.